Minutes

Executive Committee Conference Call January 14, 2002

Present: NOSB members Dave Carter, Jim Riddle, Goldie Caughlan, Owusu Bandele, Kim Burton, Mark King, Willie Lockeretz, George Siemon; NOP staff, Richard Mathews and Katherine Benham

- 1. **Convene** 11:04 am EST Dave Carter, NOSB Chair
- 2. **Review and Approve Agenda** approved, no changes
- 3. Announcements
 - a. *Upcoming meetings*: EcoFarm Conference, January 23-26, Asilomar, CA; National Farmers Union convention, Irving, TX, March 1-2; Upper Midwest Organic Farming Conference, LaCrosse, WI, March 1-2. NOSB members attending and making presentations on NOP at each.
 - b. Re: the recent MOU between Natural Resources Conservation Service and OTA -- JR announced that he recently spoke with Minnesota's NRCS State Conservationist and other officials about this and found there was very positive interest in providing technical assistance through NRCS to organic producers, such as direct funds for buffer zones and assistance with manuals, etc. Action: JR to fax MOU to NOP on 1-15. Katherine B. agreed to fax it to full NOSB.
 - c. IFOAM US/EU comparison JR announced that a line by line comparison of the US and EU regulations has been jointly done by Lynn Cody, Ken Commins, and JR, and IFOAM will then provide the completed review to the USDA. Arrangements still being finalized for its release.
 - d. *GORP training* MK announced that OTA will be holding a Good Organic Retailing Practices training session in Austin, TX during the OTA show.
- 4. **Approval of the Minutes** amended based on comments from RM. JR moved to approve as amended. WL 2nd. Approved.
- 5. **Program Update** Richard Mathews, NOP Program Manager
 - a. **Briefing paper on agreement with Japan** RM clarifies that it is not a "briefing paper," but that Keith Jones is drafting, and will submit to RM, a report on his Japan trip. RM also assures the NOSB that KJ has been working with "segments of the organic community" on issues with Japan. Japanese MAFF determined the standards of the NOP to be equivalent, with the exception of three materials.

to the organic provisions of the Japanese Agricultural Standard. RM did not state what those materials are. KJ will be working with Miles McEvoy of Washington State Department of Agriculture's Organic Program to see if these can be resolved. KJ will also continue to work on the equivalencies of these remaining three materials in the upcoming Codex meeting, in May.

- b. Interim Final Rule Status RM reported that OGC says okay to proceed on interim rule status. This means that changes made to the National List can be posted as interim final rules, but that all other items must move forward as "proposed rules." RM further explained that with the Interim Final Rule approach, if there are no negative comments received when it is published, then it simply gets published as "a final Final Rule," which has the effect of shortening the process by about nine months. If comments are negative, however, then it reverts to the usual full procedure used for "proposed rules." In response to WL's query as to whether the existing procedures for getting NOSB recommendations enacted can be shortened, RM responded that NOP is very anxious to work out a major streamlining of the petition for approved materials process. Since this will involve changes to the existing three TAP contracts, NOP is not yet ready to move on it. Action: RM will meet with KB and DC on proposed changes to the petition process, later today, 1-14-02.
- c. *Update on NOSB appointments* The names of all 30 applicants were forwarded to Secretary Veneman's office. They came back requesting more information on the NOP's outreach efforts for minority and female applicants. RM reported that answering these questions should be the NOP's last hurdle prior to appointments being made. KB expressed concern that new appointees need to be appointed and "brought up to speed" ASAP, given the short time and heavy materials review agenda, in addition to other agenda items. RM empathized, but reminded the Board that NOP has no further role in the final board appointment process than as just stated.
- d. Website update A staff member in USDA's legislative office is now helping redesign the website to make it more user friendly. Anyone with suggestions and ideas should bring them forward now. The goal is to have changes soon, hopefully by sometime in March.
- e. **New postings** NOP received significant feedback from NOSB and others who did not like the language including hydroponics and aquatic animals. RM reported that instructions went out this morning to remove mention of both of them, so the posting will now only refer to greenhouses, mushrooms, and apiculture. New language was also added, specifically: to clarify that seedlings grown in greenhouses *can* be used as transplants for organic crops. RM reported that the NOP is still getting "heat from Capitol Hill" as well as pressure from "importers who want the labeling of organic fish to be allowed. He warned that "this issue isn't going away." OB asked if the final NOSB greenhouse

recommendation is the one posted. **Action:** RM to check, and make sure the current version is posted.

- f. JR asked why the NOSB recommendations were not referenced. RM answered that they are not official USDA policy, and would not be referenced. JR commented that the NOP's clarification, the second paragraph added to the conflict of interest posting, was helpful.
- g. Accreditation update, requested by WL RM reported there are now 88 accreditation applicants. NOP still hopes to be completed by April 21 "or soon afterward" for first round announcement of accredited agents. For that reason, NOP has contracted several additional reviewers to speed the process up. There are roughly three categories: those that are "woefully deficient," those that appear "almost" complete, and they've been contacted. About 25 appear in good shape and have already been handed over to reviewers. All, or most, applications that have serious deficiencies are foreign applicants, with issues of misunderstanding equivalencies, standards, etc. All applicants have been contacted.
- h. **NASOP letter status, requested by DC** RM reported that the draft answering questions submitted by NASOP is on his desk, but it is not his highest priority at the moment. DC responded that several states are very anxious about this.
- i. ATF RM reported good progress on the memorandum of understanding with the Bureau of Alcohol, Tobacco, and Firearms, concerning labeling of organic alcoholic beverages. In response to question from DC as to timeline, RM responded it will be completed prior to announcement of first accredited certifying agents.
- j. **Equivalency** RM reported that he and KJ will be having a meeting with Associate Administrator Ken Clayton on general equivalency issues.

6. Unregulated Sector Task Force

- a. *Appointment of Chair* No one stepped forward, but KB and GC joined the task force, and WL and JR declined. The task force needs to work with the state of California and the OTA on these issues. Not all members of the task force need be on the NOSB. *Action:* DC to check with Eric Sideman and Becky Goldberg to see if they will serve on the task force. He will also e-mail full Board soliciting a Chair.
- 7. **Board Policy Task Force** (BPTF) Jim Riddle, Chair. JR reported that he has spoken with Zea Sonnabend, regarding updating the "Green book." ZS has copies of the past Board minutes, and will forward policy items to Jim as she comes across them. DC has provided a first draft for the Board Policy Manual, pulled mostly from non-profit and governing boards, not advisory. The Task Force will need to review it

against OFPA, statutory duties of the board, run it past NOP and be sure it is incompliance with FACA. It still needs a lot of work. **Action:** JR will identify missing items and send an outline to BPTF members. KB suggests that policies from the Materials Review packets be included. GC agrees to join JR, DC & KB on the BPTF.

- 8. Committee Chair Reports (Additional items may be included by individual chairs)
 - a. Accreditation, Jim Riddle
 - i) Peer Review Panel JR reports that Barbara Robinson advised this does not have to be a separate FACA committee, and the PRP is now moving forward. It will function as a committee of the NOSB, and be appointed by the NOSB. Therefore, JR has now re-worked the call for nominees and circulated it to the AC. KB requests that it go to full NOSB. Deadline for nominations to be March 15, with appointment of PRP at May NOSB meeting. Action: JR to send call for PRP nominees to NOSB.
 - ii) **Most Common Mistakes** JR is putting a list of "most common mistakes" made by applicant and certified farmers, based on input from inspectors and certifiers. **Action:** JR to provide list to NOP and NOSB.
 - b. *Materials*, Kim Burton (See list as per Kim's e-mail of January 4, 2002)
 - i) TAP Review Manual -- KB reports that this has now been sent to all MC members, OMRI and the two new TAP contractors, to educate them as to what we want to see in a good TAP review. Packets included copies of statement of work, sample outlines for tap reviews, etc. KB plans to set up conference calls for full materials committee to meet with each contractor (3 calls) to discuss the packet and the petitions that they have received and address any questions. Several ExCom members asked for copies of the full packet. Action: NOP will send copies to full board. (Materials Committee and NOP have full sets).
 - ii) 17 materials are currently petitioned. (See Addendum A for a complete list). Glycerin monoeleate went out for another review, and gelatin TAP is nearly completed. Goal is to get them out to the appropriate committees, so committees can work out their recommendations to full Board.
 - iii) *Hydroponics* KB asked RM about whether to proceed with the TAP review of sodium nitrate, petitioned for use in hydroponic production, when there are as yet no proposed standards for hydroponics. RM responded that the petitioner has been put off for a long time now, and the Board does need to have the TAP completed and review it. The Board also has to address the issue of hydroponics in May.

iv) Konjac Flour Petition -- KB reported that the MC has determined that konjac flour is natural, so no review is needed. MK asks for clarification as to Commercial Availability aspect, and RM responds "No draft policy statement" out yet on Commercial Availability definitions." Konjac could be listed under 205.606.

c. Crops, Owusu Bandele

- i) **Compost** OB reported that the Compost TF is making progress.
- ii) Use of conventional transplants OB reported that his research found no sources of organic strawberry or raspberry transplants. CC to have recommendation ready by May.
- iii) *Hydroponics* OB reported is in contact with Mary Peet at NC State College as a resource, and will continue exploring this with her. Letter from interested industry person forwarded from Mark. CC still plans to have hydroponic recommendations for May meeting. **Action:** OB to organize CC conference call on the issue for next week. Action: RM to get copy of old NOSB minutes on hydroponics to OB right away.

d. *Livestock*, George Siemon

- i) **Access to outdoors for poultry** Out of committee, going out for posting recommendations **Action**: LC to provide to NOP for web posting.
- ii) Livestock feed ingredients Draft recommendation has been posted and received comments. LC now ready to re-work.
- iii) **Sanitation and cleansing ingredients** Says "not on agenda" but materials are on agenda. Not working on this. KB to GS: I advise you and RM get together on this and see what needs to be done to address this important materials issue.
- iv) **Confined livestock living conditions and elective surgery** On agenda, but no progress.
- v) Replacement dairy herd animals GS reported that there are some large issues to clarify on this. Following the OTA and LC joint meeting last week, it is evident that there is "almost a conflict" in the rule. GS sent out memo earlier today to OTA on this, and he also has a new proposal for the LC. Action: LC to meet on the issue today, 1-14, following this call.
- vi) **Pet food** GS says LC not working on this. RM interjects: "Once again, pet food is covered by the same standards in the rule as other food." JR suggests

posting this position on the web. **Action:** RM to post policy to clarify the NOP position on pet food.

vii) *Materials* – GS stated that the NOSB and NOP will need to develop a plan on how to handle materials that have not been reviewed prior to implementation date.

e. *Processing*, Mark King

- i) Processing Technology Draft Guidelines -- Posted and open for comments through March 15. Action: RM will check to see if any comments have been received, and forward them to MK.
- ii) **Deferred materials** Steven Harper and KB got FOIA materials on DEAE. **Action:** KB will get a copy of the FOIA to MK. DEAE is on agenda for action in May. In PC Chair transition, MK is looking to SH to complete handling of the deferred materials. KB: On the glycerol Monooleate, we (Smuckers) aregoing through the materials and testing them. JR: SH was also getting added info on DEAE. **Action:** KB will forward material results to MK as available.

f. *International*, Willie Lockeretz

- i) IC members WL reported that he is waiting for new NOSB members to be appointed, and to see who would best fit on the IC. Currently only WL & JR on IC. Have not met.
- ii) Work plan Action: WL to talk with RM and KJ to formulate a work plan for the IC.

q. Other Business

- i) Next ExCom meeting February 11, 11:00 am EST.
- ii) Austin NOSB meeting NOP staff putting together logistics. Arrive May 4, Board retreat begins 1:00 pm on May 5, travel out on May 8. KB: OTA has specifically asked that NOSB plan to adjourn by noon on Wednesday the 8th in order not to conflict with their agenda. Action: NOP needs agenda done by March 1 to allow time for publication. Committee chairs must have agenda items to DC by February 11. Action: DC to send out a reminder seeking items.
- iii) **Expenses** Checks for October meeting expenses have been approved.
- iv) **Next NOSB meeting** JR suggests that we need to begin planning for the next meeting after Austin. Tentatively set for sometime in August or

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September in DC. Will focus just on materials. NOSB will also have regular public meeting in the Fall in Washington, DC. **Action:** DC to propose some dates in next week's memo to Board. (JR notes possible conflict: IFOAM World Congress to meet August 21-27, 2002, in Victoria, BC. Canada)

h. **Adjourn** – 12:20 pm WL moved, JR 2nd. Approved.

	Material	Category	Date Sent to (NOP)	Request Tap	Sent to Contractor	NOSB Meeting	Status as of 1/2/02
1	1,4 Dimethylnaphthalene	Crops (plant growth regulator)	4/3/01	12/14/01	Center for Food & Nutrition	May 2002	TAP requested
2	Potassium Sulfate	Crops	12/11/01		Center for Food & Nutrition	May 2002	Review with Crops
3	Tetrasodium Pyrophosphate	Processing	12/13/01		Center for Food & Nutrition	May 2002	Review with Processing
4	Konjac Flour	Processing	8/22/01	N/A	N/A	May 2002	No TAP needed – recommend 205.606
5	Diethylaminoethanol	Processing	11/29/00	12/14/00	OMRI (old Contract)	May 2002	Ready for vote in May 2002.
6	Glycerol Monooleate	Processing (antifoam)	6/29/01	7/1/01	OMRI (old Contract)	May 2002	Deferred per processing committee – May vote
7	Gelatin	Processing	7/10/01	8/6/01	OMRI (old Contract)	May 2002	TAP in process
8	Calcium Oxide	Crops	6/29/01	7/01	OMRI (old Contract)	May 2002	TAP in process
9	Calcium Hydroxide	Crops	6/29/01	7/01	OMRI (old Contract)	May 2002	TAP in process

10	Dewaxed Flake Shellac	Processing	8/6/01	12/14/01	OMRI	May 2002	TAP requested
11	Spinosad	Crops & Livestock	11/24/01	12/14/01	OMRI	May 2002	TAP requested
12	Ozone Gas	Crops	12/17/01	1/2/02	OMRI	May 2002	Review with Crops
13	Potassium Sorbate	Crops	12/20/01	1/2/02	OMRI	May 2002	Review with Crops
14	Sodium Propionate	Crops	12/20/01	1/2/02	OMRI	May 2002	Review with Crops
15	Sodium (Chilean) Nitrate	Crops (amendment to annotation)	6/29/01	12/14/01	UC Davis	May 2002	TAP requested
16	Calcium Stearate	Processing	11/26/01	12/14/01	UC Davis	May 2002	TAP requested
17	Sodium (Chilean) Nitrate	Crops (request to remove)	12/17/01	1/2/02	UC Davis	May 2002	TAP Review with other petition (#6)
	Dimethylpolysiloxane (antifoam)	Processing	12/19/00		OMRI	On hold	On hold per petitioner request.

TAP Contractor Distribution Summary As of 1/4/02 Reviews for May 2002 NOSB Meeting

Contractor	Center for Food &	OMRI-	UC Davis	Total
	Nutrition	(new contract only)		(for distribution reference
Crops	2	4	2	8
Processing	1	1	1	3
Livestock				
Total	3	5	3	11